

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DALTON DEANDRE
JACKSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DALTON D. JACKSON,

Respondent-Appellant.

UNPUBLISHED
October 28, 2008

No. 281594
Macomb Circuit Court
Family Division
LC No. 2004-056305-NA

Before: Servitto, P.J., and Donofrio, and Fort Hood, JJ.

MEMORANDUM.

Respondent father appeals as of right from an order that terminated his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The child was brought into care upon allegations that the mother, who was a minor, could not provide care for the child and that respondent father, who lived out of state at the time, provided minimal support for the child. At the time of trial, respondent father had moved back to Michigan to make plans for the child and had attended three parenting classes, but he did not have adequate employment or suitable housing. Respondent father did not obtain verifiable employment until almost two years after the child came into care, and then he was employed less than 20 hours per week earning \$7.15 an hour. He lived with his mother, and there was no evidence that he attempted to find his own housing even after being told that, because of their criminal records, neither of his parents' homes were suitable placements for the child. Respondent father also continued to struggle with substance abuse, testing positive for drugs throughout the proceedings and missing numerous screens, and he refused to participate in drug counseling in a meaningful way. Although he did undergo two psychological evaluations, respondent father failed to attend the recommended individual counseling. It was clear, therefore, that the statutory bases for termination were established.

Having found the foregoing statutory grounds for termination by clear and convincing evidence, the trial court was required to terminate respondent father's parental rights unless it appeared, on the whole record, that termination was clearly contrary to the child's best interests.

MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence demonstrated that respondent father was appropriate with the child when he visited. However, he failed to visit on a regular basis despite being provided with bus tickets. He visited only sporadically even when the child was staying with the mother at Florence Crittendon and respondent father could have visited with the child as often as he wanted. After two and a half years of little or no progress made by respondent father, there was no evidence that termination of respondent father's parental rights was against the child's best interests. The child was entitled to permanence and stability.

Affirmed.

/s/ Deborah A. Servitto

/s/ Pat M. Donofrio

/s/ Karen M. Fort Hood